

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DAINE ANTON CRAWLEY,

4 Plaintiff

5 v.

6 NAPHCARE, et al.,

7 Defendants

Case No.: 2:19-cv-2179-APG-BNW

**Order Denying Motion for Entry of
Default Judgment**

[ECF No. 34]

9 Plaintiff Daine Anton Crawley moves for entry of default judgment against defendant
10 Officer B. Wolden. ECF No. 34.

11 Obtaining a default judgment under Federal Rule of Civil Procedure 55 is a two-step
12 process. *See Eitel v. McCool*, 782 F.2d 1470, 1471 (9th Cir. 1986). First, “[w]hen a party against
13 whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that
14 failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” Fed. R. Civ.
15 P. 55(a). Then, after the clerk enters default, the party may seek entry of default judgment under
16 Rule 55(b).

17 Here, there has been no entry of default against Wolden. Therefore, Crawley’s motion
18 for default judgment is premature and must be denied.

19 I THEREFORE ORDER that plaintiff Daine Anton Crawley’s motion for entry of default
20 judgment against Officer B. Wolden (ECF No. 34) is denied without prejudice.

21 DATED THIS 27th day of September, 2021.

22 
23 UNITED STATES DISTRICT JUDGE